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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CM CAPITAL SERVICES, LLC, d/b/a  
CONSOLIDATED MORTGAGE f/k/a  
CONSOLIDATED MORTGAGE LLC

Plaintiff,

vs.

STEWART TITLE OF NEVADA; DOES I-  
X; and ROE CORPORATIONS XI-XX,  
inclusive,

Defendants.

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STEWART TITLE OF NEVADA  
HOLDINGS, INC.,

Third-Party Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as receiver for Franklin  
Bank, S.S.B.; DOES I-X; and ROE  
BUSINESS ENTITIES I through X,

**Case No. 10-CV-00317-JCM-(LRL)**

(Consolidated with Adv. Proceeding 09-01114)

**STIPULATION REGARDING STATUS  
CONFERENCE AND ORDER SETTING  
STATUS CONFERENCE**

Third-Party Defendants.

CONSOLIDATED MORTGAGE, a Nevada  
limited liability company,

Cross-claimant,

vs.

TERRA CONTRACTING, INC.; FEDERAL  
DEPOSIT INSURANCE CORPORATION,  
as Receiver for Franklin Bank, S.S.B.; and  
MULTIBANK 2009-1 CML-ADC  
VENTURE, LLC,

Cross-Defendants.

Pursuant to Local Rule 7-1, Plaintiff CM Capital Services, LLC, Defendant/Third Party Plaintiff Stewart Title of Nevada Holdings, Inc., successor by merger to Stewart Title of Nevada, Third Party Defendant/Cross-Defendant Federal Deposit Insurance Corporation, as receiver for Franklin Bank, S.S.B. ("FDIC-R"), Cross-Claimant Consolidated Mortgage and Cross-Defendant Multibank 2009-1 CML-ADC Venture, LLC ("Multibank") and collectively, (the "Parties") hereby stipulate and agree as follows:

1. On December 13, 2010, a telephonic Status Conference was conducted by United States Magistrate Judge Lawrence R. Leavitt. (*See* Doc. No. 33).

2. During the telephonic Status Conference, Magistrate Leavitt and the Parties all agreed that any amendments to the Discovery Plan (Doc. No. 17) necessitated by the consolidation with U.S. Bankruptcy Court Adv. Proceeding 09-01114 (Doc. No. 30) can only be determined after this Court first determines: (a) the order in which the various claims will proceed to trial; and (b) the effect of the bankruptcy court's Order on the FDIC-R's Motion for Summary Judgment, wherein the bankruptcy court (i) denied the FDIC-R's Motion for Summary Judgment as to Cross-Claim One, (ii) bifurcated Cross-Claim One from Consolidated Mortgage's other three cross-claims, and (iii) deferred its determination on the FDIC-R's Motion for Summary Judgment as to Cross-Claims Two, Three and Four until conclusion of the trial on Cross-Claim One. (*See* Order

entered on 1/8/10 in Adversary No. 09-1114, Doc. No. 152).

3. The Parties are all in agreement that the claims in this case should be bifurcated, with Consolidated Mortgage's Cross-Claims against FDIC-R and Multibank adjudicated before those claims by and between CM Capital Services, LLC, Stewart Title of Nevada and FDIC-R.

4. Accordingly, the Parties jointly request that this Court conduct a Status Conference as soon as reasonably possible so that these issues may be addressed.

DATED this 14<sup>th</sup> day of December, 2010

LIONEL SAWYER & COLLINS

By: /s/ Robert Hernquist  
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--- AND ---

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*Attorneys for Cross-Defendant Multibank  
2009-1 CML-ADC Venture, LLC*

DATED this 14<sup>th</sup> day of December, 2010

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ZIMMERMANN, LLC

By: /s/ Jeffrey O. McAnallen  
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Defendant Federal Deposit Insurance  
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S.S.B.*

DATED this 16<sup>th</sup> day of December, 2010

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By: /s/ Patrick T. Wong

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*Attorneys for Cross-Claimant Consolidated  
Mortgage, LLC in its cross-claims against  
Multibank and FDIC-R*

DATED this 14<sup>th</sup> day of December, 2010

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solely with respect its claims against Stewart  
Title of Nevada/Stewart Title of Nevada  
Holdings, Inc.*

DATED this 14<sup>th</sup> day of December, 2010

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MAURICE, LLP

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Stewart Title of Nevada/Stewart Title of  
Nevada Holdings, Inc.*

IT IS HEREBY ORDERED THIS 17TH  
DAY OF DECEMBER, 2010. STATUS  
CONFERENCE SET FOR JANUARY 4,  
2011, AT 10:00 A.M.

  
UNITED STATES DISTRICT JUDGE